

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH
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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANATOLIY N. BARANOVICH,

Defendant.

MAGIS. NO. 2:12mj301 PMW

COMPLAINT

VIO. 18 U.S.C. § 32, Damaging
and Disabling an Aircraft
(Count 1)

49 U.S.C. § 46504,
Interference With a Flight
Crew (Count 2)

Before a United States Magistrate Judge for the District of Utah, appeared
the undersigned, who on oath deposes and says:

COUNT 1

On or about October 15, 2012, in the Central Division of the District of
Utah,

ANATOLIY N. BARANOVICH,

the defendant herein, did willfully damage and disable an aircraft in the special aircraft jurisdiction of the United States, to wit, a Boeing 757 aircraft being operated by Delta Airlines as Flight 1215 from Boston, Massachusetts to Salt Lake City, Utah, and did attempt to do the same, all in violation of 18 U.S.C. §§ 32(a)(1) and (8), and punishable thereunder.

COUNT 2

On or about October 15, 2012, in the Central Division of the District of Utah,

ANATOLIY N. BARANOVICH,

the defendant herein, in the special aircraft jurisdiction of the United States as defined in 49 U.S.C. § 46501(2), did assault and intimidate flight attendants and crew members of an aircraft, thereby interfering with the performance of the duties of the flight attendants and crew members and lessening the ability of the flight attendants and crew members to perform those duties, all in violation of and punishable under 49 U.S.C. § 46504.

Complainant states that this complaint is based on information obtained through investigation consisting of the following:

1. I am a Special Agent of the Federal Bureau of Investigation, assigned to the Salt Lake City office. I presently am assigned to investigate matters including violent crimes and violations in the special aircraft jurisdiction of the United States and other violations of Federal law. This affidavit is based on my own investigation and the investigation of others with which I am familiar.

2. On October 15, 2012 at approximately 7:30 P.M. E.D.T., Anatoliy Baranovich departed Boston aboard Delta flight 1215, a Boeing 757 bound for Salt Lake City, Utah. During the flight Baranovich stated he fell asleep or passed out and awoke as the plane began to descend. As he awoke Baranovich became very nervous and agitated yelling to the passenger next to him, in Russian, explaining he thought the wing of the aircraft was on fire. The passenger next to him did not understand what Baranovich was saying and did not move from his seat.

3. From Baranovich's own account of the incident, he thought the wing was on fire and almost scraping the pavement when the aircraft touched down.

4. Several seconds after the aircraft touched down, at approximately 10:30 P.M. M.D.T., Baranovich exited his window seat and ran to the back of the aircraft to the galley area. Baranovich located the emergency exit door located on the starboard side of the aircraft and opened the door. While he was struggling to open the door, the flight attendant M. I. issued commands for Baranovich to stop. Baranovich continued to open the door, causing a malfunction which jammed the door, malfunctioned the emergency inflatable slide, and caused extensive damage to the fuselage. Unable to restrain Baranovich, M.I. requested any assistance from the passengers to subdue Baranovich.

5. Several passengers exited their seats and wrestled Baranovich against the port side of the galley. While wrestling with the passengers, Baranovich attempted to open the port side emergency exit door. At this time passenger P.T., an ex-

police officer, had run to the aid of the struggling passengers. Identifying Baranovich as the individual needing to be subdued, P.T. employed a wrist lock and forced Baranovich to the floor of the aircraft. P.T. struggled for a short time with Baranovich. When P.T. effectively restrained Baranovich, he executed a cursory search of Baranovich's person discovering a fanny pack containing Baranovich's Ukraine passport and his U.S. visa.

6. As Baranovich lay restrained on the floor of the aircraft, flight crew assessed the situation and status of the aircraft. Determining there was no terrorist threat and the emergency slide was not deployed, the Captain taxied the aircraft to the nearest open gate and requested law enforcement and medical assistance.

7. Special Agents from the Federal Bureau of Investigation were notified of the incident and responded to the airport. Upon arrival, your affiant and another Special Agent interviewed and collected witness statements from several passengers and flight crew.

8. At 2:49 A.M. on October 16, 2012, Baranovich was advised of his rights in his native language by a linguist employed by the FBI. Baranovich agreed to speak with the interviewing agents without an attorney present. Baranovich provided the following information:

a. Baranovich stated that he was visiting family in the Ukraine for the past fifty days attempting to begin construction on a house he plans to build. Unable to begin construction, Baranovich stated that he got drunk and stayed drunk for the entire fifty days. Baranovich stated, "I never sobered up." Returning to the United States, Baranovich flew from Kiev, Ukraine to Amsterdam, Netherlands and then to Boston where he boarded Delta flight 1215 for Salt Lake City, UT from where he was to travel to Portland, OR. Baranovich admitted to consuming several alcoholic beverages while traveling, but could not specify when, how much or where he consumed the alcohol.

b. Upon boarding Delta flight 1215 Baranovich observed the aircraft was flying smoothly and fell asleep or passed out. When the aircraft began to

descend Baranovich regained consciousness and looked out the window. Baranovich thought the wing of the aircraft was on fire and began to notify fellow passengers in Russian. Baranovich stated that after the airplane touched down, he jumped out of his seat and ran to the rear of the aircraft. He stated that he opened the rear emergency exit door and was tackled by passengers and restrained.



CAMERON SMILIE
Special Agent
Federal Bureau of Investigation

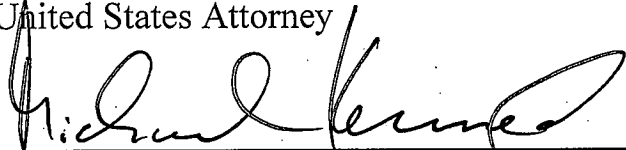
SUBSCRIBED AND SWORN TO BEFORE ME this 16th day of October,
2012.



PAUL M. WARNER
United States Magistrate Judge

APPROVED:

DAVID B. BARLOW
United States Attorney



MICHAEL KENNEDY
Assistant United States Attorney